

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KENT OVERTON,

Plaintiff,

-v-

No. 09-cv-13283-BAF-MAR

Hon. Bernard A. Friedman

CITY OF YPSILANTI,  
a Michigan municipal corporation,

Defendant.

---

**DEFENDANT'S MOTION FOR PROTECTIVE ORDERS**

**EXHIBIT B**

**Defense counsel's letter to plaintiff's counsel  
enclosing proposed protective orders**

dated December 18, 2009

**GARAN  
LUCOW  
MILLER P.C.**

1111 W. LONG LAKE, SUITE 300  
TROY, MI 48098-6333  
TELEPHONE: 248.641.7600  
FAX: 248.641.0222  
www.garanlucow.com

**ROGER A. SMITH**  
DIRECT DIAL: 248.952.6440  
E-MAIL: rsmith@garanlucow.com

December 18, 2009

Mr. James K. Fett, Esq.  
FETT & FIELDS, P.C.  
805 E. Main Street  
Pinckney, MI 48169

Re: ***Overton v City of Ypsilanti***  
Our file no: 519-1056

Dear Mr. Fett:

In your document requests dated November 10, 2009, you requested copies of the City of Ypsilanti's personnel files for both plaintiff Overton and Sgt. Eddie Davis.

While we recognize that your client is entitled to discovery concerning his claim, the City of Ypsilanti nonetheless takes very seriously its obligation to protect the privacy of its employees, and especially that of its police officers. Obviously, in the wrong hands, information about the officers and their family members could present a significant security risk to them.

We believe that the best way to satisfy all interests involved is to provide you with the 2 requested personnel files, but subject to protective orders requiring that the files be kept confidential. In the case of personnel file for Sgt. Davis, who is not a party to this litigation, we would ask that you be provided only with an opportunity to review a redacted copy of the file in our office and then to be given copies of the specific pages you select, once and if Mr. Davis is provided notice of your request and an opportunity to object.

We would ask that you review our proposed language for these two separate protective orders.

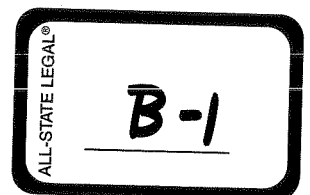
Have a safe and happy holiday season!

Very truly yours,



**ROGER A. SMITH**  
For the Firm

Enclosure.  
WP: 566421.1



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KENT OVERTON,

Plaintiff,

-v-

No. 09-cv-13283-BAF-MAR

Hon. Bernard A. Friedman

CITY OF YPSILANTI,  
a Michigan municipal corporation,

Defendant.

**DRAFT**  
December 18, 2009

\_\_\_\_\_  
JAMES K. FETT (P39461)  
JOSHUA R. FIELDS (P68559)  
FETT & FIELDS, P.C.  
Attorneys for Plaintiff  
805 E. Main Street  
Pinckney, MI 48169  
734.954.0100  
fax: 734.954.0762  
[attys@fettlaw.com](mailto:attys@fettlaw.com)

ROGER A. SMITH (P27722)  
GARAN LUCOW MILLER, P.C.  
Attorney for Defendant City of Ypsilanti  
1111 W. Long Lake Road, Suite 300  
Troy, MI 48098  
248.641.7600  
fax: 248.641.0222  
[rsmith@garanlucow.com](mailto:rsmith@garanlucow.com)

\_\_\_\_\_  
**PROTECTIVE ORDER RE PLAINTIFF'S PERSONNEL FILE**

At a session of said Court held in the  
City of Detroit, County of Wayne,, and  
State of Michigan on \_\_\_\_\_

Present: Hon. Bernard A. Friedman  
District Court Judge

Plaintiff having requested that the defendant City of Ypsilanti produce a copy of the personnel file of plaintiff Kent Overton, an officer in the Ypsilanti Police Department, the parties and their counsel having conferred on this matter and the parties, through their counsel, having stipulated as set forth at the conclusion of this order, this Court hereby orders:

The defendant City of Ypsilanti shall provide to plaintiff a full and complete copy of its personnel file for plaintiff Overton.

B-2

If any pages from plaintiff Overton's personnel file are ever attached as exhibits or cited by the parties in pleadings, briefs or other documents filed with any Court in connection with this case, they shall be filed under seal. In addition, any identifying information which might subject plaintiff Overton and/or his family members to security risks shall be redacted from any pages filed or referenced. This includes, by way of example but not limitation, names and birth dates, Social Security numbers, home addresses, schools, etc.

Counsel for plaintiff agrees to keep plaintiff's personnel file confidential. Counsel shall not allow any other person except plaintiff to see any pages from plaintiff Overton's personnel file. The only exceptions shall be those persons employed by plaintiff counsel's law firm who need to review those items in order to prepare this case and any experts retained by counsel who need to review those items in order to render an opinion or prepare a report regarding this case. In such circumstances, all copies of such pages must be accounted for and returned to defense counsel at the conclusion of this litigation.

Any additional disputes between the parties concerning the production and use of plaintiff Overton's personnel file shall be resolved by motion filed with this Court.

---

HON. BERNARD A. FRIEDMAN

*Approved as to form and substance:*

---

JAMES K. FETT (P39461)  
JOSHUA R. FIELDS (P68559)  
FETT & FIELDS, P.C.  
Attorneys for Plaintiff  
805 E. Main Street  
Pinckney, MI 48169

---

ROGER A. SMITH (P27722)  
GARAN LUCOW MILLER, P.C.  
Attorney for Defendant City of Ypsilanti  
1111 W. Long Lake Road, Suite 300  
Troy, MI 48098

WP: 566406.1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KENT OVERTON,

Plaintiff,

-v-

No. 09-cv-13283-BAF-MAR

Hon. Bernard A. Friedman

CITY OF YPSILANTI,  
a Michigan municipal corporation,

Defendant.

**DRAFT**  
December 18, 2009

JAMES K. FETT (P39461)  
JOSHUA R. FIELDS (P68559)  
FETT & FIELDS, P.C.  
Attorneys for Plaintiff  
805 E. Main Street  
Pinckney, MI 48169  
734.954.0100  
fax: 734.954.0762  
[attys@fettlaw.com](mailto:attys@fettlaw.com)

ROGER A. SMITH (P27722)  
GARAN LUCOW MILLER, P.C.  
Attorney for Defendant City of Ypsilanti  
1111 W. Long Lake Road, Suite 300  
Troy, MI 48098  
248.641.7600  
fax: 248.641.0222  
[rsmith@garanlucow.com](mailto:rsmith@garanlucow.com)

**PROTECTIVE ORDER RE PERSONNEL FILE OF EDDIE DAVIS**

At a session of said Court held in the  
City of Detroit, County of Wayne,, and  
State of Michigan on \_\_\_\_\_

Present: Hon. Bernard A. Friedman  
District Court Judge

Plaintiff having requested that the defendant City of Ypsilanti produce a copy of the personnel file of Sergeant Eddie Davis of the Ypsilanti Police Department, the parties and their counsel having conferred on this matter and the parties, through their counsel, having stipulated as set forth at the conclusion of this order, this Court hereby orders:

The defendant City of Ypsilanti shall redact from the City of Ypsilanti's personnel file for Sgt. Eddie Davis any identifying information which might subject Sgt. Davis and/or his family members to security risks (for example, but not limited to, names and birth dates, Social Security numbers, home addresses, schools, etc.)

B-4

Counsel for the defendant City of Ypsilanti shall be required to make available for review by plaintiff's counsel, ONLY, the redacted personnel file of Sergeant Eddie Davis.

Counsel for the defendant City of Ypsilanti shall provide to plaintiff's counsel copies of any pages from that redacted personnel file which are requested by plaintiff's counsel, which copies shall be accounted for and returned to defense counsel at the conclusion of this litigation.

If any pages from Sgt. Davis' personnel file are ever attached as exhibits or cited by the parties in pleadings, briefs or other documents filed with any Court in connection with this case, they shall be filed under seal.

Counsel for plaintiff agrees to keep Sgt. Davis' personnel file confidential. Counsel shall not permit plaintiff or any other person to see any pages from Sgt. Davis' personnel file. The only exceptions shall be those persons employed by plaintiff counsel's firm who need to review those items in order to prepare this case and any experts retained by plaintiff who need to review those items in order to render an opinion or prepare a report regarding this case. In such circumstances, all copies of such pages must be accounted for and returned to defense counsel at the conclusion of this litigation.

Any additional disputes between the parties concerning the production and use of Sgt. Davis' personnel file shall be resolved by motion filed with this Court.

---

HON. BERNARD A. FRIEDMAN

*Approved as to form and substance:*

---

JAMES K. FETT (P39461)  
JOSHUA R. FIELDS (P68559)  
FETT & FIELDS, P.C.  
Attorneys for Plaintiff  
805 E. Main Street  
Pinckney, MI 48169

---

ROGER A. SMITH (P27722)  
GARAN LUCOW MILLER, P.C.  
Attorney for Defendant City of Ypsilanti  
1111 W. Long Lake Road, Suite 300  
Troy, MI 48098

WP: 566398.1

**B-5**